

**CITY OF WEST DES MOINES  
DEVELOPMENT AND PLANNING  
CITY COUNCIL SUBCOMMITTEE MEETING  
City Hall Training Room**

Monday, April 3, 2017

**Attending:**

Council Member John Mickelson  
Council Member Kevin Trevillyan  
City Attorney Richard Scieszinski  
City Manager Tom Hadden  
Deputy City Manager Jamie Letzring  
Communications Specialist Lucinda Stephenson

Development Director Lynne Twedt  
Development Coordinator Linda Schemmel  
Chief Building Official Rod Van Genderen  
Planner Brian Portz  
Principal Engineer Ben McAlister

Guests:

Item #2 – Buffer Vacation

Jim McClarnon  
Todd Sawfwarz

Item #3a – Bridgewood PUD Amendment

Jane & Mike Carlstrom

The meeting of the Development and Planning City Council Subcommittee was called to order at 7:30 a.m.

1. Allowance of SIC 7999 in Jordan Creek Crossing I

Development Director Twedt explained that there was interest in having an indoor/outdoor pickleball facility located in the Jordan Creek Crossing development adjacent to the newly constructed Hyatt Hotel. She pointed out the parcel noting the locations of mixed tenant buildings within the development, fronting along S. 68<sup>th</sup> Street with retail and office on the first and second floors with residential on the third. She stated that the developer would like the facility to be similar to an establishment in the Kansas City area known as the “Chicken N Pickle.”

Director Twedt continued that the property is governed by the Jordan Creek Crossing I Specific Plan Ordinance with an underlying zoning of Professional Commerce Park (PCP) and High Density Residential. Although there are some recreational uses allowed within the Specific Plan, in 2012 uses defined in SIC 7999 were removed given the wide range of allowed recreational uses within the classification. Pickleball falls within the SIC 7999 classification and would not be an allowed use. Staff does not have an issue with this proposal for this development as it is believed to be a good fit for the area. Current practice is to not incorporate uses into PUD’s or specific plans when otherwise not allowed in the underlying zoning; however, staff believes this use would be justified as it fits into the work, live, and play concept for development and would be reverting back to the original intent of the PUD. Ms. Twedt asked if the Council Members were comfortable with incorporating recreational uses within the PCP category or modifying the uses within this specific plan.

Council Member Mickelson asked if there was concern with including pickleball in the PCP. Ms. Twedt responded that we could allow in SIC 7999 as a permitted conditional use. If an item went before the Board of Adjustment, the board members would have the discretion to determine if the use was right for the area.

Council Member Mickelson expressed support for the project indicating that it would be a positive for the area.

*Direction: Council Members were supportive of allowing pickleball within the specific plan. Staff will examine the ranges of uses within SIC 7999 and incorporate those additional recreational uses that would be appropriate and bring back to the committee for review.*

## 2. Buffer Vacation – 5968 Dogwood Lane

Director Twedt discussed the Glen Oaks Plat 8 final plat which actually started in 1993, but was not fully approved until 1995 with no plat changes. She continued that a property owner would like to install a fence on their property that has a shallow double frontage lot. When the plat was approved, there was a condition of approval that required landscaping when S. 60<sup>th</sup> Street was constructed. With the reconstruction of S. 60<sup>th</sup> Street and approval for a trail to the east side of S. 60<sup>th</sup> Street, the owner has requested that he be allowed to install a fence on the property line for privacy and safety reasons since the developer no longer has the responsibility to install the buffer.

Director Twedt explained that because of the buffer, a fence would not be allowed on the property line. A map was provided demonstrating where a stone wall was situated along the west boundary of the property and where the property owner would like to install a fence. Staff's recommendation would be to vacate the buffer which would only affect five houses. It would also allow a fence at the property line and bring the house back into conformance with City Code as the setback was not measured from the buffer line as it should have been.

Council Member Trevillyan asked where else in the City could there be this same possible vacation easement situation. Director Twedt stated that there are some double frontage lots that existed prior to this requirement.

Council Member Trevillyan asked if this would be setting precedent if someone came in and wanted a larger yard. Ms. Twedt stated that this has been negated now that the building yard setback is measured from the 30 foot buffer. Staff has been trying hard to keep buffers off single family residential. She suggested that with double frontage lots, buffers could be taken from single family lots and let buyers be made aware that they would be backing up to a street and the buffering would be their responsibility.

Council Member Trevillyan asked that when the house was built, was it constructed illegally. Ms. Twedt responded that in 1995, it was in code that setbacks had to be measured from the buffer line. This was new to the City at that time, and it may have been an error or oversight when the house was built. Today, this lot would not have been allowed to be platted as there would not have been a buildable area if you measured 35 feet from the buffer line. Mr. Van Genderen commented that he knew of no other situation where the buffer backed right up to the house.

Council Member Trevillyan commented that if a property owner decided that a buffer was not needed, even if they had a 35 or 40 foot back yard, could they petition to vacate and would the City not be able to stop. He realized that a problem would be solved, but questioned if a new one would be created. Ms. Twedt reiterated that each request would have to be taken on a case-by-case basis. Staff would be more concerned if there was the potential to create an alley effect with fences.

The property owner indicated that when he purchased the property, he was unaware of the buffering. He commented that neither the builder nor the City mentioned the buffer. Ms. Twedt stated that even the abstract may not have shown the buffer as there was a time when the City did not record paper documents to establish the buffer parks, and they were just shown on the plat which would still be binding.

Director Twedt commented that staff is looking at buffer park easements that have restrictions, i.e., fences, play structures, etc. She reiterated that staff is trying to get these impacts off the single family homes, but there are limitations such as double frontage lots.

Council Member Mickelson commented that any situation that may arise in the future where there is precedent and a public safety component with the situation, he felt easements should be vacated.

*Direction: Council Member Mickelson was supportive of vacating the property; Council Member Trevillyan supported reluctantly. Staff will investigate how to address these situations in the future.*

3. Upcoming Projects - A map was provided with a brief description of each.

- a. Bridgewood PUD Amendment: Amend the Bridgewood PUD to remove language regarding landscape median maintenance (ZC-003420-2017)

Director Twedt stated that the Bridgewood Owner's Association had requested approval of a rezoning to amend the Bridgewood Planned Unit Development (PUD) to change the language regarding the maintenance of landscaping within the Bridgewood Boulevard medians. Currently, the homeowner's association is responsible for maintenance of the medians and cul-de-sacs. This would be separate from the Dave Hansen PUD amendment that will be coming forward for approval.

Discussion continued regarding irrigation. Ms. Twedt stated that staff was investigating the possibility of installing meters to continue the median irrigation. Planner Portz stated that he spoke to Bill Mabuice of Water Works who expressed that he thought it would be difficult for the City to meter the medians separately. Currently, there is one meter located at the pond behind the commercial building on the south side of Bridgewood Drive.

Mrs. Carlstrom, representing the association, clarified that there are three median strips between Jordan Creek Parkway and 81<sup>st</sup> Street. Two of the medians have irrigation lines. The developer never installed a line for the third median located to the far west. Council Member Trevillyan pointed out that a developer is not required to install irrigation. Mrs. Carlstrom continued that there has never been a problem with the look of the medians unless there was an extremely long dry spell. She expressed that last summer during cable line installation along Bridgewood Boulevard, irrigation lines were broken under Bridgewood Drive. When repairs took place under Bridgewood Drive, it was discovered that the water supply was coming from a line from the other side of the street. She continued that the Association changed irrigation companies this year, and the new company has maps of the lines that could be provided to the City.

Council Member Trevillyan stated that he felt the irrigation lines should be removed. Mrs. Carlstrom volunteered that the Association would be willing to cap the lines for the City so there would be no water flowing to the medians. The Association would also be willing to remove the electrical lines and the four garden areas that have flowers and replace them with grass. The City's only responsibility would be to mow and fertilize the grass for three medians.

Director Twedt stated that this item will be coming forward as an amendment to the Bridgewood PUD. City Manager Hadden stated that the full Council would be voting on the item.

- b. Sully's: Permitted Conditional Use to allow a drinking place in the existing building at 860 1<sup>st</sup> Street (PC-003365-2017)

This was formerly the Blue Tomato building. A rendering was provided, and it was noted that there would be a new covered patio addition. Currently, staff is working with the applicant on the site plan.

4. Minor Modifications - None  
5. Other Matters

The meeting adjourned at 7:58 a.m. The next regularly scheduled Development and Planning City Council Subcommittee is April 17, 2017.

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Lynne Twedt, Development Services Director

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Kim Taylor, Recording Secretary